

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING
HELD TUESDAY, MARCH 2, 2004

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MICHIGAN 48042

PRESENT: EDWARD GALLAGHER, CHAIRMAN
MICHAEL D. KOEHS, SECRETARY
MEMBERS: DEAN AUSILIO
ROGER KRZEMINSKI
KENNETH MEERSCHAERT, SR.
JOA PENZIEN
ARNOLD THOEL

ABSENT: None.

ALSO PRESENT: Jerome R. Schmeiser, Community Planning Consultant
Colleen O'Connor, Township Attorney
(Additional attendance on file with Clerk)

Call Meeting to Order.

Chairman GALLAGHER called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE.

1. Roll Call.

Clerk KOEHS called the Roll. All members present.

2. Approval of Agenda Items. (*With any corrections*)

MOTION by AUSILIO seconded by THOEL to approve the amended agenda.

MOTION carried.

3. Approval of the February 17, 2004 previous Meeting Minutes.

MOTION by KRZEMINSKI seconded by MEERSCHAERT to approve the February 17, 2004 previous meeting minutes as submitted.

MOTION carried

AGENDA ITEMS:

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4. Rezoning; Agricultural (AG) to Residential One Family Urban (R-1); Located on the northeast corner of Heydenreich Road and 21 Mile Road; Macomb Township, Petitioner. Permanent Parcel No. 08-27-300-002.

Mr. Schmeiser, Planning Consultant, commented that this is the first Township Meeting with projecting on screen display property proposal maps for the Board Members and audience.

Mr. Schmeiser simultaneously reviewed the March 2, 2004 proposed rezoning requests and recommended approval.

Public Portion: David Kayganich and Michael Houston, Township residents, addressed their concerns regarding rezoning procedures and further discussed the reasons for the proposed rezonings for the agenda of March 2, 2004.

Mr. Schmeiser held further discussion with the residents clarifying the reasons for the proposed rezonings.

Petitioner Present: Macomb Township

MOTION by KRZEMINSKI seconded by MEERSCHAERT to forward the recommendation to the Township Board of Trustees to approve the Rezoning Request from Agricultural (AG) to Residential One Family Urban (R-1); Macomb Township, Petitioner. Permanent Parcel No. 08-27-300-002. This motion is based upon the Planning Consultants recommendations as follows:

1. The proposed rezoning is consistent with the goals of the Master Plan.
2. The proposed rezoning is consistent with the development of the surrounding properties.

MOTION carried.

5. Rezoning; Agricultural (AG) to Residential One Family Urban (R-1); Located on the northeast corner of Heydenreich Road and 21 Mile Road; Macomb Township, Petitioner. Permanent Parcel No. 08-27-300-005.

MOTION by KRZEMINSKI seconded by MEERSCHAERT to forward the recommendation to the Township Board of Trustees to approve the Rezoning Request from Agricultural (AG) to Residential One Family Urban (R-1); Macomb Township, Petitioner. Permanent Parcel No. 08-27-300-005. This motion is based upon the Planning Consultants recommendations as follows:

1. The proposed rezoning is consistent with the goals of the Master Plan.

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2. **The proposed rezoning is consistent with the development of the surrounding properties.**

MOTION carried.

6. Rezoning; Agricultural (AG) to Residential One Family Urban (R-1); Located on the northeast corner of Heydenreich Road and 21 Mile Road; Macomb Township, Petitioner. Permanent Parcel No. 08-27-300-007.

MOTION by KRZEMINSKI seconded by AUSILIO to forward the recommendation to the Township Board of Trustees to approve Rezoning Request from Agricultural (AG) to Residential One Family Urban (R-1); Macomb Township, Petitioner. Permanent Parcel No. 08-27-300-007. This motion is based upon the Planning Consultants recommendations as follows:

1. **The proposed rezoning is consistent with the goals of the Master Plan.**
2. **The proposed rezoning is consistent with the development of the surrounding properties.**

MOTION carried.

7. Rezoning; Agricultural (AG) to Residential One Family Urban (R-1); Located on the northeast corner of Heydenreich Road and 21 Mile Road; Macomb Township, Petitioner. Permanent Parcel No. 08-27-300-008.

MOTION by KRZEMINSKI seconded by PENZIEN to forward the recommendation to the Township Board of Trustees to approve the Rezoning Request from Agricultural (AG) to Residential One Family Urban (R-1); Macomb Township, Petitioner. Permanent Parcel No. 08-27-300-008. This motion is based upon the Planning Consultants recommendations as follows:

1. **The proposed rezoning is consistent with the goals of the Master Plan.**
2. **The proposed rezoning is consistent with the development of the surrounding properties.**

MOTION carried.

8. Rezoning; Agricultural (AG) to Residential One Family Urban (R-1); Located on the northeast corner of Heydenreich Road and 21 Mile Road; Macomb Township, Petitioner. Permanent Parcel No. 08-27-300-009.

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MOTION by KRZEMINSKI seconded by MEERSCHAERT to forward the recommendation to the Township Board of Trustees to approve the Rezoning Request from Agricultural (AG) to Residential One Family Urban (R-1); Macomb Township, Petitioner. Permanent Parcel No. 08-27-300-009. This motion is based upon the Planning Consultants recommendations as follows:

- 1. The proposed rezoning is consistent with the goals of the Master Plan.**
- 2. The proposed rezoning is consistent with the development of the surrounding properties.**

MOTION carried.

9. Rezoning; Agricultural (AG) to Residential One Family Urban (R-1); Located on the northeast corner of Heydenreich Road and 21 Mile Road; Macomb Township, Petitioner. Permanent Parcel No. 08-27-300-010.

MOTION by KRZEMINSKI seconded by PENZIEN to forward the recommendation to the Township Board of Trustees to approve the Rezoning Request from Agricultural (AG) to Residential One Family Urban (R-1); Macomb Township, Petitioner. Permanent Parcel No. 08-27-300-010. This motion is based upon the Planning Consultants recommendations as follows:

- 1. The proposed rezoning is consistent with the goals of the Master Plan.**
- 2. The proposed rezoning is consistent with the development of the surrounding properties.**

MOTION carried.

10. Rezoning; Agricultural (AG) to Residential One Family Urban (R-1); Located on the southeast corner of Heydenreich Road and 21 Mile Road; Macomb Township, Petitioner. Permanent Parcel No. 08-34-101-003.

MOTION by KRZEMINSKI seconded by AUSILIO to forward the recommendation to the Township Board of Trustees to approve the Rezoning Request from Agricultural (AG) to Residential One Family Urban (R-1); Macomb Township, Petitioner. Permanent Parcel No. 08-34-101-003. This motion is based upon the Planning Consultants recommendations as follows:

- 1. The proposed rezoning is consistent with the goals of the Master Plan.**
- 2. The proposed rezoning is consistent with the development of the surrounding properties.**

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MOTION carried.

11. Rezoning; Agricultural (AG) to Residential One Family Urban (R-1); Located on the southeast corner of Heydenreich Road and 21 Mile Road; Macomb Township, Petitioner. Permanent Parcel No. 08-34-101-004.

MOTION by KRZEMINSKI seconded by THOEL to forward the recommendation to the Township Board of Trustees to approve the Rezoning Request from Agricultural (AG) to Residential One Family Urban (R-1); Macomb Township, Petitioner. Permanent Parcel No. 08-34-101-004. This motion is based upon the Planning Consultants recommendations as follows:

1. The proposed rezoning is consistent with the goals of the Master Plan.
2. The proposed rezoning is consistent with the development of the surrounding properties.

MOTION carried.

12. Rezoning; Agricultural (AG) to Residential One Family Urban (R-1); Located on the southeast corner of Heydenreich Road and 21 Mile Road; Macomb Township, Petitioner. Permanent Parcel No. 08-34-101-010.

MOTION by KRZEMINSKI seconded by MEERSCHAERT to forward the recommendation to the Township Board of Trustees to approve the Rezoning Request from Agricultural (AG) to Residential One Family Urban (R-1); Macomb Township, Petitioner. Permanent Parcel No. 08-34-101-010. This motion is based upon the Planning Consultants recommendations as follows:

1. The proposed rezoning is consistent with the goals of the Master Plan.
2. The proposed rezoning is consistent with the development of the surrounding properties.

MOTION carried.

13. Rezoning; Agricultural (AG) to Residential One Family Urban (R-1); Located on the southeast corner of Heydenreich Road and 21 Mile Road; Macomb Township, Petitioner. Permanent Parcel No. 08-34-101-011.

MOTION by KRZEMINSKI seconded by AUSILIO to forward the recommendation to the Township Board of Trustees to approve the Rezoning Request from Agricultural (AG) to Residential One Family Urban (R-1); Macomb

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Township, Petitioner. Permanent Parcel No. 08-34-101-011. This motion is based upon the Planning Consultants recommendations as follows:

- 1. The proposed rezoning is consistent with the goals of the Master Plan.**
- 2. The proposed rezoning is consistent with the development of the surrounding properties.**

MOTION carried.

14. Rezoning; Agricultural (AG) to Residential One Family Urban (R-1); Located on the southeast corner of Heydenreich Road and 21 Mile Road; Macomb Township, Petitioner. Permanent Parcel No. 08-34-101-012.

MOTION by KRZEMINSKI seconded by PENZIEN to forward the recommendation to the Township Board of Trustees to approve the Rezoning Request from Agricultural (AG) to Residential One Family Urban (R-1); Macomb Township, Petitioner. Permanent Parcel No. 08-34-101-012. This motion is based upon the Planning Consultants recommendations as follows:

- 1. The proposed rezoning is consistent with the goals of the Master Plan.**
- 2. The proposed rezoning is consistent with the development of the surrounding properties.**

MOTION carried.

15. Rezoning; Agricultural (AG) to Residential One Family Urban (R-1); Located on the southeast corner of Heydenreich Road and 21 Mile Road; Macomb Township, Petitioner. Permanent Parcel No. 08-34-101-015.

MOTION by KRZEMINSKI seconded by MEERSCHAERT to forward the recommendation to the Township Board of Trustees to approve the Rezoning Request from Agricultural (AG) to Residential One Family Urban (R-1); Macomb Township, Petitioner. Permanent Parcel No. 08-34-101-015. This motion is based upon the Planning Consultants recommendations as follows:

- 1. The proposed rezoning is consistent with the goals of the Master Plan.**
- 2. The proposed rezoning is consistent with the development of the surrounding properties.**

MOTION carried.

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16. Rezoning; Agricultural (AG) to Residential One Family Urban (R-1); Located on the southeast corner of Heydenreich Road and 21 Mile Road; Macomb Township, Petitioner. Permanent Parcel No. 08-34-101-018.

MOTION by KRZEMINSKI seconded by MEERSCHAERT to forward the recommendation to the Township Board of Trustees to approve the Rezoning Request from Agricultural (AG) to Residential One Family Urban (R-1); Macomb Township, Petitioner. Permanent Parcel No. 08-34-101-018. This motion is based upon the Planning Consultants recommendations as follows:

1. The proposed rezoning is consistent with the goals of the Master Plan.
2. The proposed rezoning is consistent with the development of the surrounding properties.

MOTION carried.

17. Rezoning; Agricultural (AG) to Residential One Family Urban (R-1); Located on the southeast corner of Heydenreich Road and 21 Mile Road; Macomb Township, Petitioner. Permanent Parcel No. 08-34-101-019.

MOTION by KRZEMINSKI seconded by AUSILIO to forward the recommendations to the Township Board of Trustees to approve the Rezoning Request from Agricultural (AG) to Residential One Family Urban (R-1); Macomb Township, Petitioner. Permanent Parcel No. 08-34-101-09. This motion is based upon the Planning Consultants recommendations as follows:

1. The proposed rezoning is consistent with the goals of the Master Plan.
2. The proposed rezoning is consistent with the development of the surrounding properties.

MOTION carried.

18. Land Division Variance; Lone Oak Estates Subdivision; Located on the west side of Card Road and 1000' north of 22 Mile Road; Polaris Enterprises, Petitioner. Permanent Parcel Number 08-22-400-032.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendation for denial. Mr. Schmeiser further explained the Land Division Act and how it relates to the subject area.

Petitioner Present: Ken Robinson of Polaris Development L.L.C.

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Public Portion: Several residents expressed their concerns with the Stub Street proposal and recommended that the Land Division Variance Request be approved.

Ken Robinson, Petitioner, held further discussion with the Township Planning Consultant, Planning Commission Board and Township Attorney regarding the Land Division Variance Request.

Colleen O'Connor, Township Attorney, further reviewed the Land Division Act requirements.

MOTION by AUSILIO seconded by THOEL to forward the recommendation to the Township Board of Trustees to deny the Land Division Variance; Lone Oak Estates Subdivision; Polaris Enterprises, Petitioner. Permanent Parcel No. 08-22-400-032. This motion is pursuant to the Planning Consultants recommendations as follows:

It is recommended that the variance request for the Lone Oak Subdivision be denied since access to the unplatted property to the west is needed to provide continuity in the development of the area in accordance with the Land Division Ordinance.

MOTION carried.

19. Ground Sign; Request for Ground Sign approval for a "Subdivision Announcement Sign" for a proposed subdivision planned for the southwest corner of 24 Mile Road and Card Road; Lorenzo Garrisi, Petitioner. Permanent Parcel No. 08-15-200-014.

Jerome R. Schmeiser, Community Planning Consultants, reviewed the findings and recommendation for approval.

Petitioner Present: Craig Duckwitz of Anderson Eckstein & Westrick

Public Portion: None.

MOTION by KOEHS seconded by PENZIEN to approve the Ground Sign for a time period of one year to expire March 2, 2005 for the Subdivision Announcement Sign for a proposed subdivision planned for the southwest corner of 24 Mile Road and Card Road; Lorenzo Garrisi, Petitioner. Permanent Parcel No. 08-15-200-014. This motion is based upon the Planning Consultants recommendations as follows:

1. That Section 10.0319 of the Zoning Ordinance be met.
2. All necessary permits *must* be obtained from the Building Department prior to any sign construction.

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3. That the ground sign be limited to 32 square feet as shown on the submitted plan.
4. That the approval be for a period of one year, at which time the petitioner will apply for an extension. Please note that this sign will be the only permitted sign location for this parcel. There shall be no other builder signs, real estate signs, etc. located on 24 Mile Road or Card Road.
5. That a \$500.00 cash bond be posted assuring the construction of the sign as approved.

Upon receipt of required \$500.00 cash bond assuring the construction of the sign as approved by the Planning Commission, the matter will be forwarded to the Building Department where you can apply for all necessary permits.

MOTION carried.

20. Tentative Preliminary Plat; Beaufait Farms Subdivision No. 4; Located approximately 1/3 mile east of Card Road and 1/2 mile north of Hall Road; Beaufait Farms, LLC., Petitioner. Permanent Parcel No. 08-35-100-009.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendation for approval.

Petitioner Present: Craig Duckwitz of Anderson Eckstein & Westrick

Public Portion: None.

MOTION by AUSILIO seconded by KOEHS to forward the recommendation to the Township Board of Trustees to approve pursuant to the Planning Consultants recommendations for the Tentative Preliminary Plat; Beaufait Farms Subdivision No. 08-35-100-009. This motion is based upon the Planning Consultants recommendations as follows:

1. The petitioner submits evidence to the satisfaction of the Township Engineer that required approvals have been secured from the following agencies in compliance with Sections 17-87 to 17-90 of Chapter 17 of Macomb Township Code of Ordinances, Land Division Regulations;
 - a. Macomb County Road Commission
 - b. Office of Public Works Commission of Macomb County
 - c. Macomb County Health Department
 - d. Macomb County Planning Commission
 - e. Michigan Department of Environmental Quality

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- f. All public utility companies affected.**
 - g. That a by-pass lane(s) be developed on the abutting major road(s) subject to the approval of the Macomb County Road Commission and the Township Engineer.**
- 2. The Township Engineer approves all engineering plans for the computed plat.**
- 3. That the detention area meet the requirements of the Township Engineers and any Special Assessment District (SAD) be approved by the Township Board.**
- 4. Further, that the Township Engineer be satisfied that those conditions imposed as part of the tentative plat approval have been incorporated into the Final Preliminary Plat.**
- 5. That all lots within the Tentative Preliminary Plat meet the requirements of the Township Zoning Ordinance.**
- 6. Flood Plain Map Amendments and/or Requirements. Please be advised that it is the responsibility of the applicant to seek and obtain any map revisions or amendments to the flood plain map as prepared by FEMA, through the Michigan Department of Environmental Quality (MDEQ). Further, MDEQ must review and approve any amendments or map revisions that reflect the lower amendment on the flood plain map prior the issuance of any building permits.**
- 7. That the petitioner comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage, figures, and recorded easements in connection with this plat are true and accurate as they provide the basis for this recommendation.**
- 8. That a bond in the amount to be determined by the Township Engineer based on estimates submitted by the landscape architect for the proprietor be posted assuring the development of the "landscape easement." The "landscape easement" is that area to be labeled on the plat as, "The entire common area is subject to a private easement dedicated to the ownership association for landscaping." The bond must be posted with the Macomb Township Treasurer prior to the acceptance of the application for Final Preliminary Plat. (Not applicable)**
- 9. That the tentative preliminary approval expires one year from the date of Township Board approval. It is not the responsibility of Macomb Township to notify the petitioner prior to the expiration date of this approval. Please**

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make note of the above date. Any application for extension must be received by this office prior to the expiration date.

- 10. All street names are cleared by the Township Supervisor for purposes of continuity prior to preparation of the final plat. That the petitioner submits 2 copies of the plat to the Supervisors office for addressing. Addresses will be assigned after the final preliminary plat approval by the Township Board.**
- 11. That the petitioner submits 2 copies of the restrictive covenants that will be recorded with the plat. The Restrictive Covenants must include an article to provide for the perpetual maintenance of all limited common areas that may include regulated wetlands, landscape areas, and floodplains. The covenants must be submitted with the application for Final Preliminary Plat.**
- 12. That the “20’ common area for landscaping purposes” be developed in accordance with the provisions of the Land Division Act of Macomb Township. A plan for the area must be prepared, an irrigation system including sprinklers, mulching materials for planting beds and details for the installation of all features of the plan. Also to be included is a cost estimate for the development of the area. Said cost list to be prepared by the registered landscape architect who prepared the plan. (Not applicable)**

If a ‘phasing plan’ has not been submitted it is assumed that this subdivision will be developed in one phase. Please be advised that any revisions to the phasing plan for this plat must be reviewed and approved by the Planning Commission and Township Board and incorporated into the Tentative Preliminary Plat as a Revised Tentative Preliminary Plat.

MOTION carried.

OLD BUSINESS:

- 21. Extension of Time; Tentative Preliminary Plat; Gloede Park Estates; Located on the north side of 21 Mile Road and west of Garfield Road; Cavaliere Companies, Petitioner. Permanent Parcel No. 08-30-400-020.**

Chairman GALLAGHER reviewed the request.

MOTION by AUSILIO seconded by KRZEMINSKI to forward the recommendation to the Township Board of Trustees to approve the petitioner’s request for the Extension of Time; Tentative Preliminary Plat; Gloede Park Estates to expire March 12, 2005; Cavaliere Companies, Petitioner. Permanent Parcel No. 08-30-400-020.

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MOTION carried.

22. Extension of Time; Site Plan; Regency Commerce Center-Unit 27; Located on the northeast and northwest corners of Leone Drive and Regency Center Drive; Antonio Cavaliere, Petitioner. Permanent Parcel No. 08-17-344-027.

Chairman GALLAGHER reviewed the request.

MOTION by KOEHS seconded by THOEL to approve the one year Extension of Time; Site Plan; Regency Commerce Center Unit 27 to expire on March 6, 2005. Antonio Cavaliere, Petitioner. Permanent Parcel No. 08-17-344-027.

MOTION carried.

Addition:

- 22A. Extension of Time; Site Plan; Regency Commerce Center; Unit 24 & 25. Eastside Investments, Petitioner. Permanent Parcel Nos. 08-17-344-024 & 025.

Chairman GALLAGHER reviewed the request.

MOTION by KOEHS seconded by AUSILIO to approve the one year Extension of Time; Regency Commerce Center Units 24 & 25 to expire March 18, 2005. Eastside Investments, Petitioner. Permanent Parcel Nos. 08-17-344-024 & 025.

MOTION carried.

Addition:

- 22B. Extension of Time; Tentative Preliminary Plat; West Park Estates Subdivision; Montana Homes, Inc., Petitioner. Permanent Parcel No. 08-04-300-005.

Chairman GALLAGHER reviewed the request.

MOTION by AUSILIO seconded by THOEL to forward the recommendation to the Township Board of Trustees to approve the Extension of Time for one year; Tentative Preliminary Plat; West Park Estates Subdivision to expire March 26, 2005. Montana Homes, Petitioner. Permanent Parcel No. 08-04-300-005.

MOTION carried.

23. Motion to receive and file all correspondence in connection with this agenda.

MOTION by THOEL seconded by PENZIEN to receive and file all correspondence in connection with the March 2, 2004 agenda.

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MOTION carried.

PLANNING CONSULTANTS COMMENTS: None.

BOARD COMMENTS:

Member AUSILIO commended Mr. Schmeiser for a job well done with projecting the agendas property proposal maps for the Board and audience. Mr. Schmeiser thanked Mr. AUSILIO and stated that Mr. Jim Koss, the Informational Technology Director, is responsible for making this available to the Township.

ADJOURNMENT:

MOTION by KOEHS seconded by KRZEMINSKI to adjourn the meeting at 8:00 p.m.

MOTION carried.

Respectfully submitted,

Edward Gallagher, Chairman

Michael D. Koehs, Secretary

Minutes prepared by: Michael D. Koehs, Township Clerk
MDK/gmb